

07-12 04

2644



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven J. Eberbach

July 8, 2004

Serial No.: 09/153,831

Filed: 09/15/1998

For: SURROUND SOUND LOUDSPEAKER SYSTEM

RECEIVED

JUL 16 2004

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

In response to the Notice of Non-Compliant Amendment, copies of the Preliminary Remarks, previous Remarks, Amendments to Claims and Amendments to Specification all of which were previously submitted on separate pages in accordance with current amendment practice are attached hereto.

Eight drawing sheets for FIGs. 29-39 identified by "Replacement Sheets" or "Annotated Sheets" to meet current amendment practice are attached.

Most importantly, applicant strongly objects to the arbitrary change by the Patent and Trademark Office to RCE (Request for Continuing Examination) status. A CPA (Continued Prosecution Application) was filed May 27, 2004 purposely to preserve rights under a CPA that are lost with a RCE. The filing date of 09/15/1998 of the application was long before the May

29, 2000 institution of the RCE. Therefore applicant demands that status as a CPA be reinstated to preserve rights accrued because the first examiner's amendment was mailed about 37 months after the filing date.

Respectfully submitted,

STEVEN J. EBERBACH

By, 
James M. Deimen, #25504
320 N. Main Street, Suite 300
Ann Arbor, MI 48104-1192
Telephone: (734) 994-5947
Facsimile: (734) 769-2702

(K:\WPUMD\Eberbach-DCM\Response to Notice of Non-Compliant Amendment.wpd)